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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE SEPTEMBER 11 LITIGATION :

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LAUREN E. PETERS, individually and as intestate Heir and Putative Personal Representative of the Estate of Louis Neil Mariani, deceased,

Plaintiff,

-against-

UNITED AIRLINES, INC., UNITED CONTINENTAL HOLDINGS, INC., and HUNTLEIGH USA CORP.,

Defendants.

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COMPROMISE ORDER AUTHORIZING FINAL DISTRIBUTION OF SETTLEMENT

21 MC 101 (AKH)

03 Civ. 6940

ALVIN K. HELLERSTEIN, U.S.D.J.:

WHEREAS, by Order of Final Judgment dated November 15, 2010, this Court approved as fair and reasonable the $3,760,000.00 settlement of this action; and

WHEREAS, the Court has now reviewed and granted the Administrator's Under Seal Motion for Compromise Order for Final Distribution of Settlement, and all of its attachments, submitted on January 24, 2011; and

WHEREAS, the Court has further reviewed the "Declaration of Charles R. Capace to be Filed Under Seal and *In Camera*", filed in support of a contingency fee in the amount of 20% in the case; and

WHEREAS, the Court has given due consideration to these submissions as well as the submissions of Ellen Mariani and her counsel, and the prior pleadings and proceedings in this action, see Order Approving Settlement, Denying Motion to Intervene, and Denying Sanctions, Peters v. United Airlines, 03 Civ. 6940 (21 MC 101), Doc. No. 84 (S.D.N.Y. Nov. 15, 2010); and

WHEREAS, the continuous litigation of the various aspects of this lawsuit has rendered the public's interest in full disclosure more significant that the privacy interests of the parties; it is hereby

ORDERED that plaintiff John C. Ransmeier, Administrator of the Estate of Louis Neil Mariani, deceased, is hereby authorized and empowered to compromise and settle all causes of action brought against all defendants named in this action (hereinafter "defendants"), for the total sum of $3,760,000.00; and it is further

ORDERED that the aforementioned settlement amount shall count against the limits of liability established by Section 408(a)(1) of the Air Transportation Safety and System Stabilization Act and applicable to said defendants; and it is further

ORDERED that plaintiff John C. Ransmeier, as Administrator of the Estate of Louis Neil Mariani, deceased, is authorized to sign and deliver to the defendants, in the form of the Confidential General Release attached as Exhibit A to the parties' Confidential Stipulation of Settlement, a confidential general release of the defendants and any other person or entity who may have contributed to the death of Louis Neil Mariani; and it is further

ORDERED that $25,000.00 for repayment to defendants United Air Lines and/or UAL Corporation for their September 2001 disbursement shall be credited against, and deducted from, the gross settlement proceeds; and it is further

ORDERED that upon review of the Administrator's Motion for Compromise Order and the Declaration of Charles R. Capace filed therewith and the exhibit attached thereto itemizing expenses, Charles R. Capace and all associated counsel shall receive attorneys' fees totaling $738,098.00, which equals 20 percent of the net settlement proceeds in this action, and $44,510.00 for reimbursement of litigation expenses, which shall both be deducted from the settlement proceeds; and it is further

ORDERED, at the request of plaintiff John C. Ransmeier, as Administrator of the Estate of Louis Neil Mariani, deceased; and upon execution of the general release in the form attached as Exhibit A to the parties' Confidential Stipulation of Settlement, and after considering the objections of

Ellen Mariani and her counsel; that the Court hereby approves the following distribution of the settlement proceeds in the present case:

(a)	Gross settlement proceeds:	$3,760,000.00
(b)	Reimbursement of litigation expenses:	$44,510.00
(c)	Credit for payment to Ellen Mariani by United Airlines and/or UAL Corp.	$25,000.00
(d)	To attorneys' fees	$738,098.00
(e)	Remaining settlement proceeds for transfer to N.H.	$2,952,392.00

and it is further

ORDERED that the settlement funds in the amount of $3,735,000.00 shall be forwarded by defendants to plaintiff's attorney Donald Migliori, Esq, and the law firm of Motley, Rice, 28 Bridgeside Boulevard, Mt. Pleasant, South Carolina 29464 -- in accordance with paragraph 8 of the parties' Confidential Stipulation of Settlement and paragraph 2 of the Confidential Release attached as Exhibit A thereto - - for payment of attorneys fees and expenses in accordance with this Order; and it is further

ORDERED, in accordance with paragraph 5 of the parties' Confidential Stipulation of Settlement and paragraph 2 of the Confidential Release attached thereto, that the remaining settlement proceeds in the amount of $2,952,392.00 will be transferred from Motley Rice to Administrator Ransmeier, who will secure these funds in an estate account pending distribution in the manner determined by the New Hampshire Probate Court; and it is further

ORDERED that no bond is required; and it is further

ORDERED that upon the payments aforesaid being made and the said confidential general release being executed, and upon full compliance with the provisions of this Order, the defendants are hereby discharged from any and all further liability as to all matters embraced in and determined by this Order; and it is further

ORDERED that the full record of this litigation shall be unsealed and made part of the public record.

SO ORDERED.

Dated: January 26 2011
New York, New York

ALVIN K. HELLERSTEIN
United States District Judge